



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,910	11/28/2003	Jimmie L. Johnston		1890

7590 06/16/2006
Jimmie L. Johnston
2322 Beachm Drive
Castle Rock, CO 80104

EXAMINER

LAUX, JESSICA L

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,910	Applicant(s) JOHNSTON, JIMMIE L.	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 10 is objected to because of the following informalities: line 12 recites "said cone wall", examiner suggests changing to cone to core. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (3601937).

Regarding claim 1: Campbell discloses a multi-level accommodation unit comprising a core wall (40 and surrounding walls as in Figure 1) having plumbing, electrical and heating and cooling components inside said wall and projecting to at least one face (Col. 1, lines 72-75 and Figure 8) of said core wall (while Campbell does not expressly disclose heating and cooling components located in the service core wall and chase it would have been obvious to one of ordinary skill in the art to have such components located in a service core wall as heating and cooling service components are distributed throughout a structure in much the same way and to the same locations as plumbing and electrical service components); means securing said core wall in an accommodation unit, with said core wall extending between a floor of said

Art Unit: 3635

accommodation unit and a ceiling of said accommodation unit and between support walls of said accommodation unit (Col 1, lines 63-66); a vertical chase (40) formed in said core wall and extending from a bottom of said core wall at said floor to a top of said core wall at said ceiling (Figure 3); connector members for plumbing, electrical and heating and cooling of said accommodation unit extending vertically through said chase (where the connection members are the conduits in Figures 3, 6, 7 and 8 and it would be obvious to have heating and cooling service components as discussed above); and connection members extending through said core wall between opposite faces thereof to connect said connector members to said plumbing, electrical and heating and cooling components (Figure 2 depicts connection members that extend through the wall faces).

Regarding claim 2: The multi-level accommodation unit of claim 1, wherein at least a pair of the core walls are positioned on floors of vertically adjacent accommodation units and the chases in said core walls are vertically aligned, and further including a hole through the floor of the upper vertically adjacent accommodation unit and the ceiling of the lower vertically adjacent accommodation unit said hole being aligned with chases in said core walls (Col. 1, lines 63-66); and wherein the connector members in the vertically aligned chases are interconnected to provide continuous connector members through said chases and said floor (Figure 3).

Regarding claim 3: The multi-level accommodation unit of claim 1, wherein the core wall has first and second spaced apart wall surfaces (Figure 1); and structural foam material between said faces and around said vertical extending chase for strength and sound insulation (Figure 9 and Col. 2, line 52-54).

Art Unit: 3635

Regarding claim 4: The multi-level accommodation unit of claim 2, wherein the floor of each accommodation unit is an upper surface of a slab and the ceiling of each accommodation unit is a lower surface of a slab (Figure 3, element 4).

Regarding claim 5: The multi-level accommodation unit of claim 1, wherein the plumbing, electrical, heating and cooling components include toilet and shower or bathtub components connected to couplings at said at least one face of the core wall, said toilet and said shower being supported on the floor of the accommodation unit and being coupled to a water inlet line connector and discharge conduit connector extending through the core wall to connector members extending vertically through the chase in the said core wall (Col. 1, line 70- Col. 2, line 4; Figure 6).

Regarding claim 6: The multi-level accommodation unit of claim 5, further including at least one electrical outlet mounted at the said at least one face of the core wall, each said electrical outlet comprising an electrical component attached to a connection member extending within the core wall to a connector member extending vertically through the chase of a said wall core (Col. 2, lines 25-28). Campbell does not expressly disclose an electrical outlet, it is obvious and well known to have an electrical outlet in a room containing a bathtub, shower and toilet, and Campbell does disclose the core wall having components for such an electrical outlet, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an electrical outlet mounted on the face of the core wall.

Regarding claim 7: The multi-level accommodation unit of claim 6, wherein the core wall has a drain conduit connection member (47) therein extending from a

Art Unit: 3635

discharge conduit connector member (49) in the chase, said drain conduit connection member being sloped upwardly from the discharge conduit connector member to adjust the end of a core wall opposite said chase (Figure 3).

Regarding claim 8: The multi-level accommodation unit of claim 7, further includes affixed couplings connected into the drain conduit connection member and extending to at least one face of the core wall (Col. 1, line 72 where the drain conduit has an inlet that extends to one wall surface).

Regarding claim 9: Campbell does not expressly disclose having a removable access panel through at least one face of the core wall, however it is common and well known in the art to provide an access to utilities in a wall, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a removable access panel to provide access to the interior of the chase.

Regarding claim 10: Campbell discloses a core wall for use in a multi-level accommodation unit, said core wall comprising a pair of spaced apart wall surfaces (Figure 1) and having a pair of spaced apart side edges (Figure 3, elements 45 and 46), interconnected by a top edge (43) and a bottom edge (44); a vertical chase (40) formed between a portion of said spaced apart faces and vertical chase being open through said core wall from said bottom edge to said top edge (Figure 3); connection members extending between said wall panels and from within said chase to couplings at least one wall panel for coupling to plumbing, electrical and heating and cooling components outside said wall panel and for coupling to corresponding plumbing, electrical and heating and cooling components in said chase (Col. 1, line 70 – Col. 2, line 6, while

Art Unit: 3635

Campbell does not expressly disclose heating and cooling components located in the service core wall and chase it would have been obvious to one of ordinary skill in the art to have such components located in a service core wall as heating and cooling service components are distributed throughout a structure in much the same way and to the same locations as plumbing and electrical service components); and structural foam material in said core wall between said face panels and surrounding said chase (Col. 2, lines 52-54).

Regarding claim 11: Campbell does not expressly disclose having an access panel through at least one face of the core wall, however it is common and well known in the art to provide an access to utilities in a wall, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an access panel to provide access to the interior of the chase.

Regarding claim 12: A core wall as in claim 11, having vertical studs (41 and 42) therein.

Regarding claim 13: A core wall as in claim 12, wherein said studs have openings therethrough for the connection components (It is common and well known in the art to use studs that have openings for conduit and other in-wall components, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use studs having openings therethrough).

Regarding claim 14: A core wall as in claim 13, wherein one of the connection components includes a drain pipe (49) extending into the chase adjacent the bottom

Art Unit: 3635

edge and sloped upwardly therefrom to adjacent a side edge of the said wall (where the drain pipe connects at 48 to conduit 47).

Regarding claim 15: A core wall as in claim 14, wherein the connection members extend to couplings at each face panel of said wall (Figure 2 where the connection members extend to both faces of the wall).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/722,910


Art Unit: 3635



JL

06/08/2006

Page 8



N. Slick
Primary Examiner